

REMARKS

I. PENDING CLAIMS AND SUPPORT FOR AMENDMENTS

Upon entry of the present amendment, claims 3-5, 10-20 and 23-43 will be pending in this application. Claims 1-2, 6-9, and 21-22 have been cancelled.

Independent claims 23 and 29 have been amended to properly claim the invention.

No new matter has been added.

II. THE CLAIMS ARE PATENTABLE UNDER 35 U.S.C. § 102

On page 2 of the Office Action, the Examiner rejected claims 1, 3, and 5 – 43 under 35 U.S.C. § 102. These claims are patentable for at least the reasons detailed below, and this ground of rejection should be withdrawn. Claims 1, 6-9, and 21-22 have been cancelled.

On page 3 of the Office Action, the Examiner rejected claims 21-43 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 1,940,855 to Friedman. These rejections are respectfully traversed and reconsideration and withdrawal thereof are requested. Independent claim 21 has been cancelled.

As amended, claim 23 requires a handle assembly for a detachable scalpel blade having a keyed slot, the handle assembly comprising a handle body having a longitudinal axis, protruding from the handle body a blade bar having a tang for insertion in the keyed slot, a spring for urging the distal end of the blade bar into the handle body, and a collet. Amended independent claim 29 recites a handle assembly for a detachable scalpel blade having a keyed slot, the handle assembly comprising a handle body having a longitudinal

axis, a blade bar having a portion protruding from the handle body for engaging the blade and urging the distal end of the blade into engagement with the handle body, and a collet having a through bore within which the blade bar is disposed.

In the claimed device, the end of the blade 50 includes a keyed slot 48. This keyed slot 48 receives the blade bar 44 so that the blade bar 44 fits into the slot. The collet fits around this assembly of the blade 50 and blade bar 44 to hold the blade 50 in place. Specifically, retraction of the blade bar 44 secures blade 50 by positioning distal end 100 of blade 50 within slit 96 of collet core 20, so that blade 50 is held in place on blade bar 44. The slit 96 urges the distal end of the blade 50 toward blade bar 44, thereby retaining the keyed slot 48 in blade 50 on blade bar 44. Thus, the blade is received on the blade bar, which is surrounded by the collet and held in place in the device.

In contrast, the rivets 4 of Friedman are received in the slot in the blade, and the blade is held in place by the latch 6 of the spring 5. Unlike the blade bar and keyhole slot assembly of the claimed invention, the structure of Friedman is designed to secure a blade having an open ended slot (*see Figure 4*). Moreover, Friedman does not disclose a surrounding collet structure as disclosed and claimed. A description of a “collet” of this invention may be found on page 6 of the specification:

[a]s shown in FIGS. 1A and 1B, the scalpel assembly of one embodiment of this invention includes a handle assembly 40 and a button assembly 78. The handle assembly of this embodiment contains collet end 20 housed within collet 22. Collet end 20 contains collet end bore 24, which provides for movement of blade bar 44 in and out of collet end 20 during engaging and releasing of the blade 50 in response to depressing button 76. Distal end 25 of

collet end 20 is inserted into collet bore 26 of proximal end 27 of collet 22 by press fit, as shown in FIGS. 2A, 2B and 2C. As shown in FIGS. 2B and 2C, collet end 20 fits inside collet 22. Distal end 28 of collet 22 is inserted into body bore 29 at proximal end 30 of handle body 32 by press fit, as shown in FIGS. 2A and 2B.

As also described in the specification at pages 7-8 and in the referenced figures,

FIGS. 8A, 8B and 8C depict collet end 20. Proximal end 94 of collet end 20 contains slit 96. Collet end 20 has collet end bore 24. Collet 22 is depicted in FIGS. 9A, 9B and 9C. FIGS. 9A and 9C show threads 98 on collet 22.

Retraction of blade bar 44 secures blade 50 by positioning distal end 100 of blade 50 within slit 96 of collet end 20, so that blade 50 is held in place on blade bar 44.

Friedman fails to disclose a handle assembly having a collet as described and as required by independent claims 23 and 29. Rivets 4 are not collets as described and claimed. The Examiner also rejected independent claim 29, stating that the rivets 4 are considered the collet as required by the claim. However, not only are the rivets not a collet, as explained above, claim 29 also requires the collet have a bore within which the blade bar is disposed. Even if the rivets 4 are a “collet” as claimed, as we believe they are not, Friedman does not disclose a through bore in the rivets, as required by the claim. Therefore, claim 29 is not anticipated by Friedman for this additional reason.

Therefore, for at least these reasons, Friedman does not disclose every limitation of the independent claims. The dependent claims are patentable for at least the reasons the independent claims are patentable, and may be patentable for additional reasons. For example, not only are the rivets not a collet, as explained above, claim 25 further requires that the collet comprises a slot. Not only are the rivets not a collet as claimed, there is no slot

in the rivets. Therefore, for at least these reasons, this ground of rejection should be withdrawn.

The Examiner also rejected claims 1, 3 and 5-20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,262,205 to Arden and under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,402,770 to Jessen. These rejections are respectfully traversed and reconsideration and withdrawal thereof are requested.

Claims 1 and 6-9 have been cancelled. Claims 3, 5 and 10-20 are dependent on claim 23, which is patentable as discussed above. Therefore, the dependent claims are patentable for at least the reasons the independent claims are patentable, and may be patentable for additional reasons.

Serial No. 09/937,542
Filed: September 26, 2001
Amendment and Response to Office Action

CONCLUSION

The foregoing is submitted as a full and complete response to the Office Action.

Assignee submits that the claims are allowable for at least the reasons set forth above, and allowance of the claims is respectfully requested.

Please charge any additional fees or credit any overpayment to Deposit Order Account No. 11-0855.

Respectfully submitted,

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